

Staff  
Summary  
Report



To: Mayor and City Council  
Through: City Manager

Agenda Item Number 20

Meeting Date: 03/18/99

Doc. Name: 990318devsrh05

Supporting Documents: Yes

**SUBJECT:** FITNESS WORKS #SGF-99.28

**APPROVED BY:** Randall Hurlburt, Development Services Director  
Grace Kelly, Planner II

**BRIEF:** This is the first public hearing for Fitness Works for a transfer of ownership of an existing health club at 975 E. Elliot Road.

**COMMENTS:** **PLANNED DEVELOPMENT (0406)** Hold the first public hearing for **FITNESS WORKS** (Philip Clar, Business Owner) for a transfer of ownership of an existing health club at 975 E. Elliot Road, including the following:

Existing Use Permit:

Allow a 12, 671 s.f. health club in the PCC-1 Zoning District.

**SUMMARY:** A new business owner has purchased the health club and requests to transfer a use permit to operate the business. On January 4, 1996, Council approved a use permit for a 12,761 s.f. health club. The use permit was non-transferable and issued to the owner at that time, Get Fit Fitness for Women. The new owner has no plans to modify the building or alter the site in any way. Staff recommends approval and no public comments have been received to date.

	<u>Recommendation</u>	<u>Comments</u>
Staff	Approval	See report
Public	No comments	See report

**HISTORY & FACTS:**

<u>January 11, 1985.</u>	The Council approved a rezoning and General Plan of Development for Southwind Plaza with variances for building coverage and reduction in parking stall size.
<u>July 11, 1985.</u>	The Council approved the Final Plan of Development for Southwind Plaza.
<u>April 17, 1986.</u>	The Council approved the Amended General and Final Plan of Development for Southwind Plaza with a use permit to allow outside dining (Pacific Beach Club).
<u>May 15, 1986.</u>	The Council approved the Amended General & Final Plan of Development for Southwind Plaza with a use permit to allow a C-2 use and use permit for a health club facility (Maricopa Health and Fitness Center).
<u>April 30, 1987.</u>	The Council approved an Amended General & Final Plan of Development for Southwind Plaza with a use permit to allow a C-2 use and use permit for a massage therapist (The Total Touch).
<u>March 8, 1990</u>	The Council approved an Amended General & Final Plan of Development for Southwind Plaza with a use permit for World Gym to allow a C-2 use and use permit for a health club facility with conditions.
<u>June 18, 1992.</u>	The Council approved a request by World Gym to allow a 2,080 s.f. expansion (for an aerobics room) to the existing 13,000 s.f. health club facility plus an three year time extension, subject to conditions.
<u>July 23, 1992.</u>	The Council approved an Amended General and Final Plan of Development and a use permit for Terri's Consignment World to allow new and used furniture/second hand goods subject to conditions of approval.
<u>October 13, 1994.</u>	The Council approved a use permit for Lizette Murney to allow a 2,330 s.f. women and children's clothing and accessory consignment store (Back to the Rack), subject to conditions.
<u>January 4, 1996</u>	Council approved the applicant's request to re-establish the previous 12,671 s.f. health club and to include a massage therapist. The use permit was non-transferable and issued to the owner at that time, Get Fit Fitness for Women.

**DESCRIPTION:**

Owner - Pollack Enterprises, Inc., Terry Connett, Vice President  
Applicant - Fitness Works, Philip Clar  
Zoning - PCC-1  
Total site area - 8.23 net acres  
Total shopping center bldg. area - 93,755 s.f.  
Get Fit Fitness for Women leased area - 12,761 s.f.  
Parking required - 504 spaces  
Parking provided - 506 spaces

Use Permit Previously Approved:

Allow a 12,761 s.f. health club and massage therapist in the PCC-1 Zoning District.

**COMMENTS:** A new business owner has purchased the health club and requests to transfer the use permit to operate the business.

As the history section indicates, on January 4, 1996, Council approved a use permit for a 12,761 s.f. health club for Get Fit Fitness for Women. Prior to this, World's Gym occupied the space in 1990 and Maricopa Athletic Club before that. The use permit was non-transferable and issued to the owner at that time. The new owner requests a transfer of ownership. In the letter of intent submitted by the applicant on February 23, 1999, he stated that Fitness Works will offer aerobics classes, and weight training and all activities will be contained within the building. He has no plans to modify the building or alter the site in any way and said Fitness Works has been located in Mesa since 1992 and they look forward to serving fitness needs in Tempe.

Staff believes this use is compatible with surrounding development and is consistent with health club uses that previously occupied this location for the last decade. Staff recommends approval and no public comments have been received to date.

**RECOMMENDATION:** Approval.

**REASON(S) FOR  
APPROVAL:**

1. The existing use permit has operated in its location with no known problems.
2. The proposed use will operate in the same format as the old health club and should have no negative impacts on surrounding businesses.

**CONDITION(S)  
OF APPROVAL:**

1. The use permit is non-transferable and is issued to the current owner of Fitness Works only. Any change in ownership shall require re-approval by the City Council in a public hearing.
2. Within four years of the date of City Council approval, the applicant shall return to the City Council for a review of compliance with the conditions of approval.
3. Any intensification or expansion of the use shall require the applicant to return to the City Council for further review.
4. No noise shall emanate beyond the walls of the building.

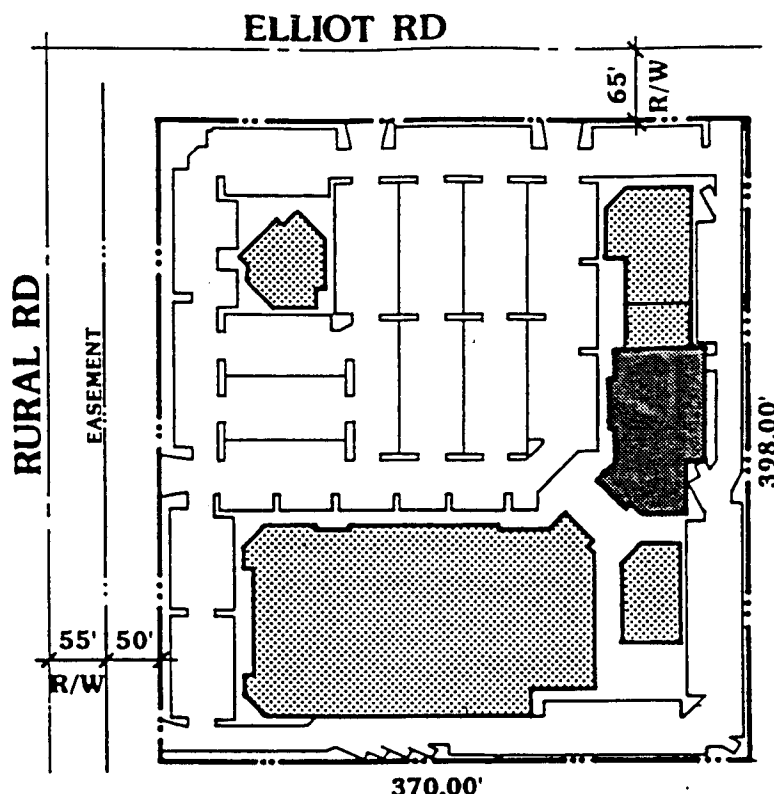
- ATTACHMENTS:**
1. Location Map
  2. Site Plan
  3. Floor Plan
  4. Letter of Explanation - 2/23/99
  5. Previously approved conditions of approval



## LOCATION MAP

**FITNESS WORKS****SGF-99.28****SYMBOL(S):****EXISTING BUILDINGS****BUILDING REQUESTING USE PERMIT  
(12,761 S.F.)****SITE DATA:**

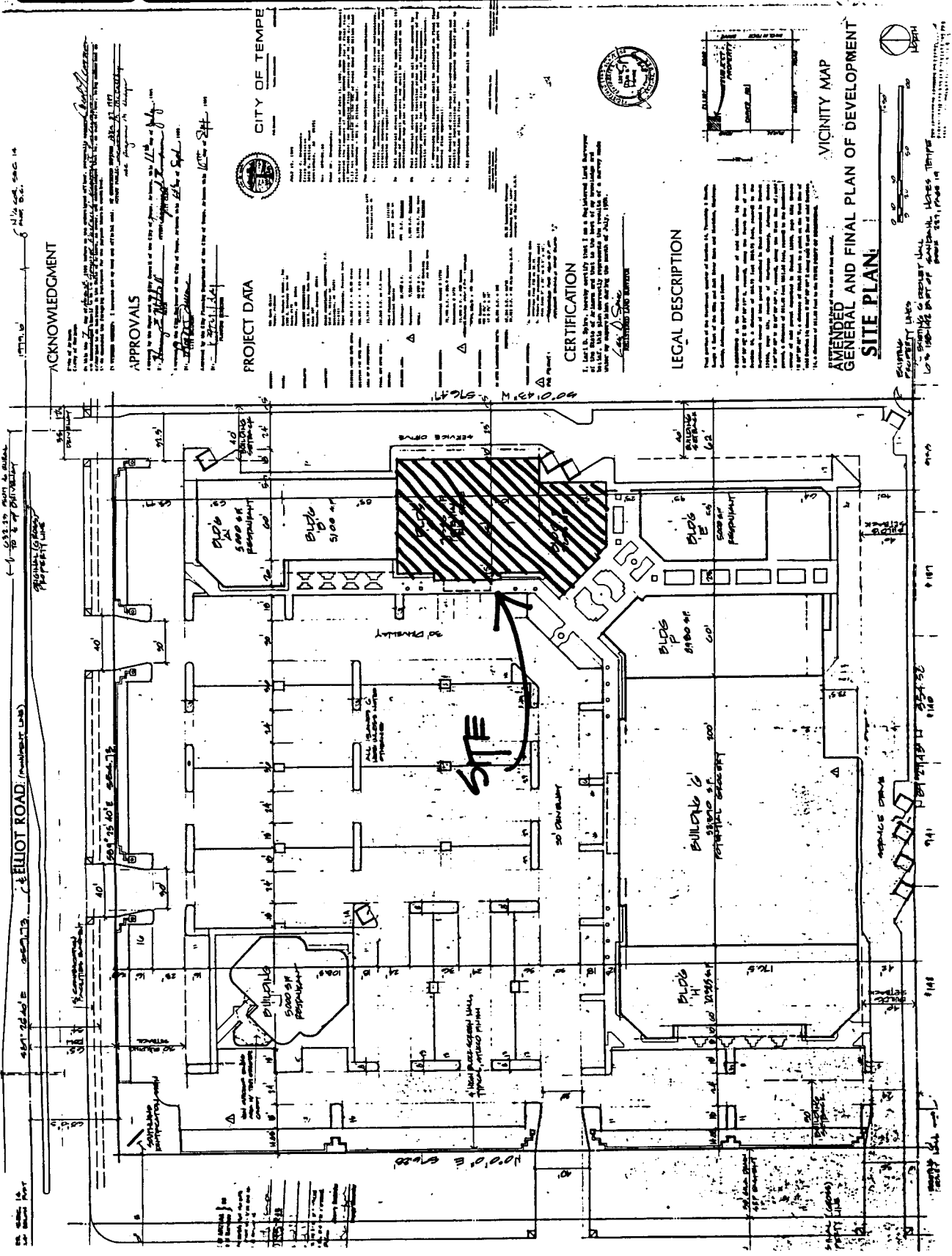
<b>TOTAL BUILDING AREA:</b>	<b>86,693 S.F.</b>
<b>NET SITE AREA:</b>	<b>8.23 AC</b>
<b>LEASED AREA:</b>	<b>12,761 S.F.</b>
<b>PARKING REQUIRED:</b>	<b>504</b>
<b>PARKING PROVIDED:</b>	<b>506</b>

**USE PERMIT(S):  
(SEE BELOW)****PUBLIC HEARING NOTICE**

This is a notice for two public hearings for **FITNESS WORKS** (Philip Clar, business owner) for a transfer of ownership of an existing health club at 975 E. Elliot Road. The original use permit was approved with a condition that stated it was non-transferable and any new owners should come back before the Council re re-approval. The applicant seeks the following approvals from the City of Tempe:

- a. (#SGF-99.28) An Amended General and Final Plan of Development for Southwind Plaza and a Use Permit to allow a 12, 671 s.f. health club in the PCC-1 District with the following attached previous condition:  
Previous Council Condition:
  1. Use permit is non-transferable and is issued to Get Fit Fitness for Women only. Any change in ownership shall require re-approval by the City Council in a public hearing.

If you are interested you may attend either one or both of the two public hearings of the City Council at 7:30 p.m. Thursday, March 18 and April 8, 1999 at the Council Chambers, 31 East Fifth Street. These will be public



### ACKNOWLEDGMENT

I, the undersigned, hereby certify that the above is a true and correct copy of the original as submitted to the City of Tempe, Arizona, for its review and approval.

*[Signature]*  
[Name]  
[Title]

### APPROVALS

*[Signature]*  
[Name]  
[Title]

*[Signature]*  
[Name]  
[Title]

### PROJECT DATA

**CITY OF TEMPE**

Project Name: Southwind Plaza  
 Location: [Address]  
 Zoning: [Zoning Code]  
 Lot Area: [Area]  
 Building Area: [Area]  
 Parking Spaces: [Number]  
 Other: [Details]

### CERTIFICATION

I, the undersigned, hereby certify that the above is a true and correct copy of the original as submitted to the City of Tempe, Arizona, for its review and approval.

*[Signature]*  
[Name]  
[Title]

### LEGAL DESCRIPTION

The above described property is located in the City of Tempe, Arizona, and is subject to the following legal description:

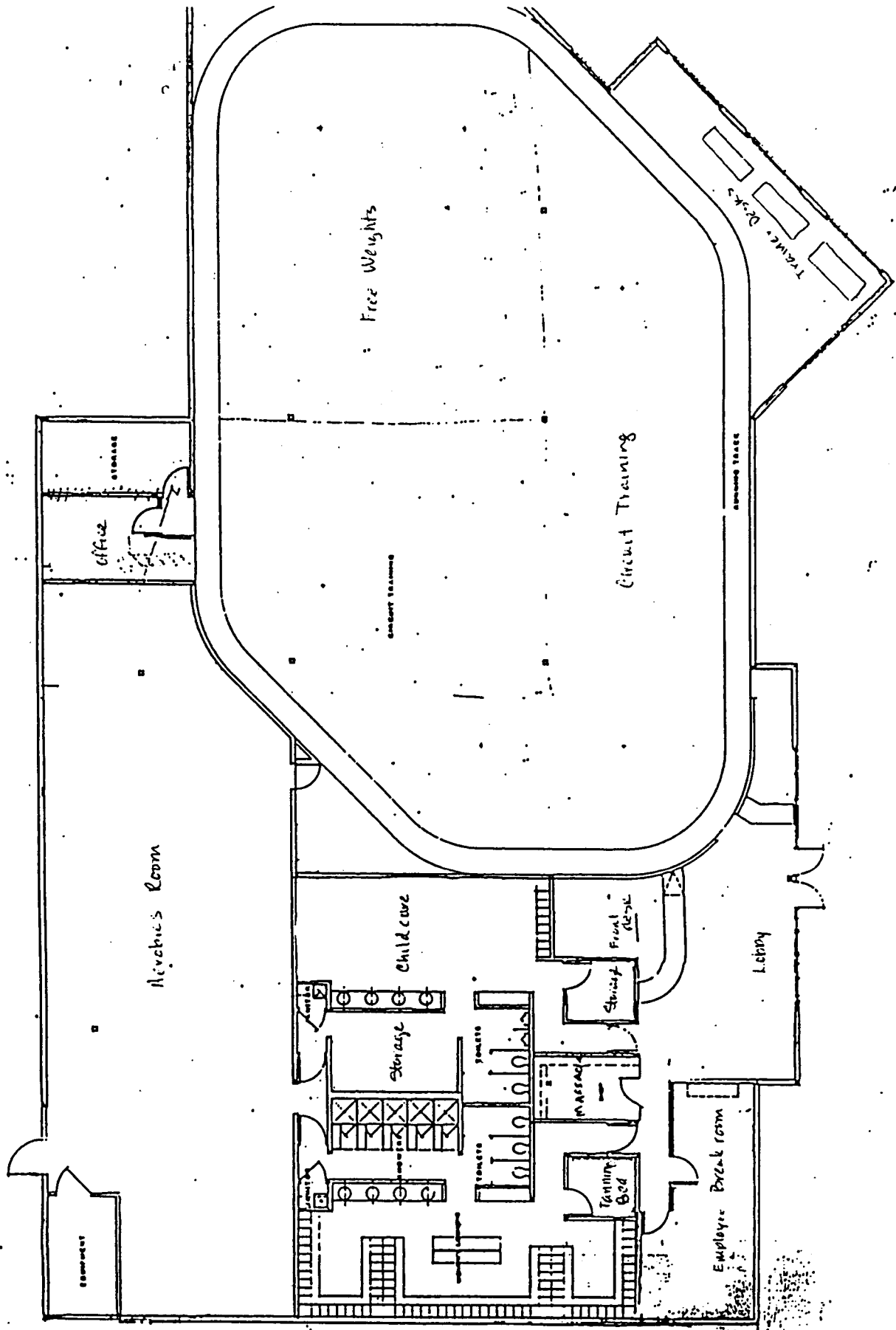
[Legal Description Text]

### AMENDED GENERAL AND FINAL PLAN OF DEVELOPMENT SITE PLAN

**VICINITY MAP**

Scale: 1" = 100'

North Arrow





February 23, 1999

City of Tempe  
PO Box 5002  
115 East Fifth Street  
Tempe, AZ 85280

Attn: Community Development Department

***Fitness Works Athletic Club*** of Arizona request the approval of a use permit for it's newest location at 975 E. Elliot Rd Tempe AZ 85286. This location as you will see from your own records, had received several approvals for fitness centers in the past. Since the original occupants, ***Maricopa Athletic Club***, there has been approvals for ***Worlds Gym*** (March of 1990) and ***Get Fit for Women*** (November of 1995). ***Fitness Works*** intends to use the facility in the same manner as the previous clubs have used the premises in the past. We offer aerobic classes, weight training, tanning and dietary information and education exclusively for women who prefer to exercise in a women's only environment.

All activities generated by the business are contained within the interior of the building. Their will be no noise, exhaust, disruptive behavior, or deterioration of the neighborhood of any kind. Nor will their be any modifications done to the exterior of the building.

***Fitness Works*** has a excellent reputation with the Mesa community for providing safe, friendly and ethical business practices while serving their fitness needs since 1992. We now look forward to continuing our legacy to provide Temp with this same level of quality health club experience.

Again we respectfully request approval of a use permit for this new location.

Yours in Good Health

Sincerely,



Philip Clark  
Vice President

Community Development  
Department

602-350-8331 (Phone)

January 5, 1996

**FILE COPY**

Marie Tuscon  
975 E. Elliot Rd., #B-6  
Tempe, AZ 85284

Re: #SGF-95.98

Dear Ms. Tuscon:

At their regular meeting of January 4, 1996, the approved the request by **SOUTHWIND PLAZA** (Steve Ridgell, property owner) for an Amended General and Final Plan of Development for Get Fit Fitness for Women located at 975 E. Elliot Road, including the following:

Use Permit:

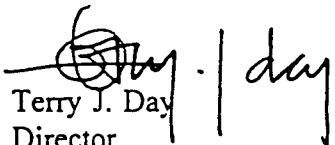
Allow a 12,761 s.f. health club and massage therapist in the PCC-1 Zoning District.

The approval was subject to the following conditions:

1. Use permit is non-transferable and is issued to Get Fit Fitness for Women only. Any change in ownership shall require re-approval by the City Council in a public hearing.
2. Within four years of date of City Council approval, the applicant shall return to City Council for compliance with conditions of approval.
3. Any intensification or expansion of the use shall require the applicant to return to the City Council for further review.
4. Rear doors shall remain closed at all times except in case of fire or other emergencies. Customer access from rear of building is prohibited except in emergencies as noted above.
5. No noise from recorded music shall emanate beyond the aerobic areas.
6. The therapeutic massage technician shall obtain all necessary permits and/or approvals from the Massage Examiners Board and required State and County agencies within 90 days of Council approval.

7. A lighting and security plan shall be approved by the Police Department within 30 days of Council approval.

Sincerely,

  
Terry J. Day  
Director

TJD:jrh

cc: File  
Steve Ridgell  
Building Safety Dept.  
Traffic Engineer